IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 3140 OF 2007

Prakash Ramchandra Mane. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Jaydeep D. Mane for the applicant.

Ms.M.H.Mhatre, A.P.P. for the State.

CORAM: V.C.DAGA, J.

DATED: 12th October 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking bail in connection with C.R.No.126/2007 registered with Fauzdar Chawadi Police Station, Solapur for the offences punishable under sections 302, 143, 147, 148, 149, 427 of Indian Penal Code and under section 25(4) of the Arms Act.

3. The applicant has invoked jurisdiction of this Court after getting his bail application dismissed at the hands of the Sessions Court, Solapur. The learned Ad-hoc Sessions Judge-4, Solapur while rejecting bail application of the applicant being Criminal Misc. Application No.833/2007, vide order dated 13th August,

2007, has recorded the findings as under:

> " I have gone through the copies of the police papers filed on record. It appears that police have filed charge-sheet against the accused Nos.1 to 6 and others. From perusal of the statement of the witnesses Tanaji Bandgar, Dattatraya Digole, Vijay Waghmode have stated in their statement that applicant Nos.1, 2 and 4 to 6 pelted stones, bricks on the tempo driven by Neelesh and caused damage to it. It is stated that co-accused applicant No.3 Prakash Ramchandra Mane assaulted Neelesh by means of sharp sickle. The statements on above point is consistent in the statements of above witnesses. There is no overt act committed by applicant Nos.1, 2 and 4 to 6 for assaulting Neelesh. Witness Bhagwan Lavate father of Neelesh is heresay witness. He learnt about the incident from Vinay Dhepe.
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> . From copy of the postmortem report, it appears that Neelesh died due to head injury with multiple injuries. It appears that sickle is recovered from accused No.3 Prakash Ramchandra Mane by the police. Therefore, there is prima-facie case against applicant No.3 Prakash Ramchandra Mane. Police have filed charge-sheet against the accused. This is change in the circumstances. There is no prima-facie case against applicant Nos.1, 2, 4 to 6 and, therefore, they are entitled for bail. Applicant No.3 Prakash Ramchandra Mane is not entitled for the bail."

4. Having seen the aforesaid findings, no case is made out to take any contrary view. Application is, therefore, rejected.

JUDGE